REMARKS

Claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, and 36-70 are pending in this application. In the Office Action dated October 6, 2003, the Examiner objected to the specification for failing to recite the proper continuation data; rejected claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, and 36-70 under the judicially created doctrine of obviousness-type double patenting; rejected claims 1-4, 6-10, 18-22, 25-28, 30-33, and 36-69 under 35 U.S.C. § 102(e) as being anticipated by Kikinis (U.S. Patent No. 5,727,159); and rejected claim 70 under 35 U.S.C. §103(a) as being unpatentable over Kikinis.

By this amendment, Applicants have amended the specification to include the pertinent information for the parent application and to correct minor typographical errors. In view of the following remarks, Applicants respectfully traverse the rejection of claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, and 36-70 under the judicially created doctrine of double patenting, and under 35 U.S.C. §§ 102(e) and 103(a).

I.   Objection to the Specification

The Examiner objected to the specification for failing to recite the proper continuation data, including the serial number, patent number, and filing date of the parent application. Applicants have amended the specification to include the requested information. Accordingly, Applicants request that the objection to the specification be withdrawn.

II.   Claim Rejections Under the Doctrine of Double Patenting

The Examiner rejected claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, and 36-70 under the judicially created doctrine of obviousness-type double patenting as being

-21-

unpatentable over claims 1-8 of <u>Gardell et al.</u> (U.S. Patent No. 6,049,831). Applicants submit herewith a Terminal Disclaimer, and thus respectfully request that the double patenting rejection be withdrawn and the claims allowed.

III.   Claim Rejections Under 35 U.S.C. § 102(e)

The rejection of claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, and 36-69 under 35 U.S.C. § 102(e) is respectfully traversed for the following reasons.

In order to anticipate Applicants' claimed invention under 35 U.S.C. § 102(e), "each and every element as set forth in the claim [must be] found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131, at 2100-70 (8th ed., rev. Feb. 2003) (quoting <u>Verdegaal Bros. v. Union Oil Co. of Cal.</u>, 814 F.2d 628, 631 (Fed. Cir. 1987)). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131, at 2100-70 (quoting <u>Richardson v. Suzuki Motor Co.</u>, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131, at 2100-70.

The Examiner asserted that <u>Kikinis</u> teaches each and every recitation of claims 1-4, 6-10, 12-16, 18-22, 25-28, 30-33, and 36-69. Applicants respectfully disagree.

A.   The Rejection of Claims 1-4, 6-10, 12, 46, 47, and 50-55.

Claims 1, 7, and 50 recite a combination of elements for and/or steps including, *inter alia*, "retrieving first network information having interactive elements;" and "creating second network information based on the first network information, the second network information comprising display information and definitions based on characteristics of the interactive elements." The Examiner alleges that Fig. 4 in <u>Kikinis</u> teaches "retrieving first network information having interactive elements;" and "creating second network

-22-

information based on the first network information, the second network information comprising display information and definitions based on characteristics of the interactive elements," as recited in claims 1, 7, and 50. See Office Action at 4. The Examiner is mistaken.

Contrary to the Examiner's allegation, Kikinis does not disclose at least "retrieving first network information having interactive elements," as recited in claims 1, 7, and 50 (emphasis added). The process identified by the Examiner in Kikinis involves a proxy server that retrieves the HTML and image files necessary to display a requested web page. See Kikinis, col. 10, lines 1-18 & Fig. 4. Although the proxy server in Kikinis receives files from a network, Kikinis does not teach files that include "interactive elements," as recited in claims 1, 7, and 50. Indeed, Kikinis only mentions interactivity in the context of date and time monitoring for updating files stored in different locations when a connection is made between units having different versions of a file. See Kikinis, col. 7, lines 56-66. This interactivity among client systems involves connecting to a proxy server to access certain files, which is different than network information having interactive elements. Accordingly, Kikinis does not disclose at least "retrieving first network information having interactive elements," as recited in claims 1, 7, and 50.

Further, Kikinis does not disclose at least "creating second network information based on the first network information, the second network information comprising display information and definitions based on characteristics of the interactive elements," as recited in claims 1, 7, and 50 (emphasis added). The Examiner alleges that the images [101] and layout [99] disclosed in Kikinis teach "display information and

-23-

definitions based on characteristics of the interactive elements," as recited by Applicants. See Office Action at 4; Kikinis, Fig. 4. The Examiner is incorrect.

The "images" created in Kikinis are created by converting the JPG image files received from the web page into bitmap images that comply with the limitations of the requesting user system. See Kikinis, col. 10, lines 19-24. These images are based on a user ID that contains information regarding the attributes of the user system (*e.g.* size and resolution); they are not created "based on the first network information," nor are they "based on characteristics of the interactive elements," as recited in claims 1, 7, and 50. See Id. Furthermore, there is no evidence in Kikinis that the "layout" for the HT-Lite (HTL) file is based on interactive elements. See Kikinis, col. 9, line 61 to col. 10, line 35 & Fig. 4. In fact, given that the HTL file is created so that the web page may be transferred to the user system, it is more likely that this "layout" is based on the above mentioned user ID. Moreover, as explained above, the Examiner's reliance on the client system interactivity disclosed Kikinis is unsound as this feature differs from network information having interactive elements. See Office Action, at 4; Kikinis, col. 7, lines 56-66. Accordingly, Kikinis does not disclose at least "creating second network information based on the first network information, the second network information comprising display information and definitions based on characteristics of the interactive elements," as recited in claims 1, 7, and 50.

For at least the foregoing reasons, Kikinis does not anticipate Applicants' claims 1, 7, and 50. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claims 2-4, 6, and 46; 8-10, 12, and 47; and 51-55 depend upon claims 1, 7, and 50, respectively. As explained above, claims 1, 7, and 50 are distinguishable from Kikinis. Accordingly, dependent claims 2-4, 6, 8-10, 12, 46, 47, and 51-55 are also distinguishable from Kikinis for at least the reasons given with respect to claims 1, 7, and 50. Applicants therefore request that the Examiner's rejection of claims 2-4, 6, 8-10, 12, 46, 47, and 51-55 under 35 U.S.C. §102(e) be withdrawn and the claims allowed.

B.   The Rejection of Claims 13-16, 18-22, 25-28, 30-33, 48, 49, and 56-65.

Claims 13, 25, and 56 recite a combination, which includes, *inter alia*, "processing the first network information to create second network information comprising a user interface element definition and display information;" and "receiving the second network information and recomposing the second network information to form third network information for the user device." The Examiner relies on his analysis of claim 1 in rejecting these claims, and in doing so, alleges that Fig. 4 teaches each and every claim recitation. The Examiner is incorrect.

Contrary to the Examiner's allegation, Kikinis does not disclose at least "processing the first network information to create second network information comprising a user interface element definition and display information," as recited in claims 13, 25, and 56. As previously explained, the "images" created in Kikinis are created based on a user ID containing information regarding the attributes of the client system, they are not created by "processing the first network information," as recited in claims 13, 25, and 56. Moreover, as discussed above, there is no evidence that the "layout" disclosed in Kiklis is determined by "processing the first network information,"

-25-

as recited by Applicants. Instead, it seems more likely that this layout is determined based on the user ID, as the HTL created according to the layout is created as a way to display the requested web page at the user system. Accordingly, Kikinis does not disclose at least "processing the first network information to create second network information comprising a user interface element definition and display information," as recited in claims 13, 25, and 56.

Further, Kikinis does not disclose at least "receiving the second network information and recomposing the second network information to form third network information for the user device," as recited in claims 13, 25, and 56. Kikinis does not have any infrastructure to create third network information from the received second network information (i.e. the HTL file). Accordingly, Kikinis cannot teach a method of recomposing the HTL file into a third type of network information. The user system in Kikinis merely receives and displays the HTL file; it has no capability to recompose the received HTL file into a third type of network information for the user system. Accordingly, Kikinis does not disclose at least "receiving the second network information and recomposing the second network information to form third network information for the user device," as recited in claims 13, 25, and 56.

For at least the foregoing reasons, Kikinis does not anticipate Applicants' claims 13, 25, and 56. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claims 14-16, 18-22, and 48; 26-28, 30-33, and 49; and 58-65 depend upon claims 13, 25, and 56, respectively. As explained above, claims 13, 25, and 56 are distinguishable from Kikinis. Accordingly, dependent claims 14-16, 18-22, 26-28, 30-33,

-26-

48, 49, and 58-65 are also distinguishable from <u>Kikinis</u> for at least the reasons given

with respect to claims 13, 25, and 56. Applicants therefore request that the Examiner's

rejection of claims 14-16, 18-22, 26-28, 30-33, 48, 49, and 58-65 under

35 U.S.C. §102(e) be withdrawn and the claims allowed.

C.   The Rejection of Claims 36-45 and 66-69.

Claims 36, 41, and 66 recite a combination, which includes, *inter alia*, "receiving

a user interface element definition related to a network information request;" and

"receiving first network information related to the interface element definition and the

request." The Examiner relies on his analysis of claim 1 in rejecting these claims, and

in doing so, alleges that Fig. 4 teaches each and every claim recitation. The Examiner

is incorrect.

Contrary to the Examiner's allegation, <u>Kikinis</u> does not disclose at least "receiving

a user interface element definition related to a network information request," as recited

in claims 36, 41, and 66. As previously explained, the user ID disclosed in <u>Kikinis</u>

includes information regarding the attributes of the user system, it is not "related to a

network information request," as recited by Applicants. <u>See Kikinis</u>, col. 10, lines 19-24.

Moreover, the user ID in <u>Kikinis</u> is received from the user system when the user logs-on

to the proxy server; it is not received when the user submits web page requests. <u>See</u>

<u>Id.</u> Thus, the user ID is unrelated to and unaffected by the web page requests

submitted by the user. Accordingly, <u>Kikinis</u> does not disclose at least "receiving a user

interface element definition related to a network information request," as recited in

claims 36, 41, and 66.

-27-

Further, Kikinis does not disclose at least "receiving first network information related to the interface element definition and the request," as recited in claims 36, 41, and 66. There is no mention in Kikinis that the user ID is used in steps 89-97 of Fig. 4, where the HTML and image files are received from the requested web page. See Kikinis, col. 10, lines 1-18 & Fig. 4. Contrarily, the user ID in Kikinis is first involved in the process disclosed in Fig. 4 when it is used to convert the received JPG image file into a bitmap image file that complies with the limitations of the user system (step 101). See Kikinis, col. 10, lines 19-24 & Fig. 4. Accordingly, Kikinis does not disclose at least "receiving first network information related to the interface element definition and the request," as recited in claims 36, 41, and 66.

For at least the foregoing reasons, Kikinis does not anticipate Applicants' claims 36, 41, and 66. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claims 37-40, 42-45, and 67-69 depend upon claims 36, 41, and 66, respectively. As explained above, claims 36, 41, and 66 are distinguishable from Kikinis. Accordingly, dependent claims 37-40, 42-45, and 67-69 are also distinguishable from Kikinis for at least the reasons given with respect to claims 36, 41, and 66. Applicants therefore request that the Examiner's rejection of claims 37-40, 42-45, and 67-69 under 35 U.S.C. §102(e) be withdrawn and the claims allowed.

IV. Claim Rejections Under 35 U.S.C. §103(a)

Claim 70 depends upon claim 66. As explained above, claim 66 is distinguishable from Kikinis. Accordingly, dependent claim 70 is patentable over Kikinis for at least the reasons provided with respect to claim 66. Applicants therefore request

-28-

that the Examiner's rejection of claim 70 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

V.   Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2339.

Respectfully submitted,
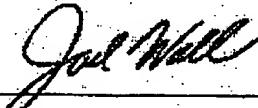
Date: January 6, 2004

Joel Wall
Attorney for Applicants
Registration No. 25,648

Verizon Corporate Services Group Inc
c/o Christian Andersen
600 Hidden Ridge, HQE03H14
Irving, TX 75038
Tel.: (972) 718-4800

CUSTOMER NO. 32127

-29-